

MACOMB TOWNSHIP PLANNING COMMISSION  
MINUTES OF A REGULAR MEETING AND PUBLIC HEARING  
HELD TUESDAY, FEBRUARY 17, 2004

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD  
MACOMB, MICHIGAN 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN  
MICHAEL D. KOEHS, SECRETARY  
MEMBERS: DEAN AUSILIO  
ROGER KRZEMINSKI  
KENNETH MEERSCHAERT, SR.  
JOA PENZIEN  
ARNOLD THOEL

ABSENT: None.

ALSO PRESENT: Jerome R. Schmeiser, Community Planning Consultant  
Colleen O'Connor, Township Attorney  
(Additional attendance on file with Clerk)

Call Meeting to Order.

Chairman GALLAGHER called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

1. Roll Call.

Clerk KOEHS called the Roll. All members present.

2. Approval of the Agenda Items. (with any corrections)

**MOTION by PENZIEN seconded by AUSILIO to approve the amended agenda.**

**MOTION carried.**

3. Approval of the February 3, 2004 previous Meeting Minutes.

**MOTION by KRZEMINSKI seconded by AUSILIO to approve the February 3, 2004 previous meeting minutes.**

**MOTION carried.**

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**AGENDA ITEMS:**

*Previously shown as agenda no. 6*

4. Final Preliminary Plat; Tesner Park Subdivision (51 lots); Located on the southeast corner of Card Road and Brantingham Road; Vincent Milatello & Michael Aluia, Petitioner. Permanent Parcel No. 08-35-300-032 and 033.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Public Portion: Irene Reimbold and Carol Tesner, adjacent property owners, expressed their concerns regarding the drain on the proposal and purchase agreement concerns between the developer and previous property owner.

Petitioner Present: Bill Thompson of Lehner Associates.

**MOTION by AUSILIO seconded by MEERSCHAERT to forward the recommendation to the Township Board of Trustees to approve the Final Preliminary Plat; Tesner Park Subdivision (51 lots); Permanent Parcel No. 08-35-300-032 and 033. This motion is based upon the Planning Consultants recommendations as follows:**

1. The petitioner submit evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulation.
  - a. Macomb County Road Commission
  - b. Office of Public Works Commission of Macomb County
  - c. Macomb County Health Department
  - d. Macomb County Planning Commission
  - e. Michigan Department of Environmental Quality
  - f. All public utility companies affected.
  - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer. Also, that any connecting sidewalk tying the plat to any public street be installed by the petitioner.
2. The Township Engineer approves all engineering plans for the computed plat.
3. That the detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.

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4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.
5. That all lots within the Final Preliminary Plat meet the requirements of the Township Zoning Ordinances.
6. Flood Plain Map Amendments and/or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.
7. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.
8. That the 'landscape easement'; that area labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping" has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board.
9. That the final preliminary approval expires two years from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Application for extension must be received by this office prior to the expiration date.
10. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits 2 copies of the plat to the Supervisors office for addressing. Addresses will be assigned after final preliminary plat approval by the Township Board.
11. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to be 4" x 4" black posts with two inch white letters so that the street can be easily identified during the construction of the plat.
12. That the Restrictive Covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The 'Restrictive Covenants' must be approved by the Township Attorney before an application will be received for Final Plat.
13. That the Articles of Incorporation for the Homeowners' Association for the subdivision have been approved by the Township Attorney. The 'Articles of

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**Incorporation' must be approved by the Township Attorney before an application will be received for Final Plat.**

14. **That the drains at the rear of the Card Road properties are included in the engineering plans.**

**If a 'phasing plan' has not been submitted it is assumed that this subdivision will be developed in one phase. Please be advised that any revisions of the phasing plan for this plat must be reviewed and approved by the Planning Commission and Township Board and incorporated into the Tentative Preliminary Plat as a Revised Tentative Preliminary Plat.**

**MOTION carried.**

*Previously shown as agenda no. 4*

5. **Final Preliminary Plat; Rockwood Subdivision No. 2 (6 lots); Located 700' north of 21 Mile Road on the west side of Rockwood Drive; Rocco Galati, Petitioner. Permanent Parcel No. 08-28-376-007.**

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Public Portion: None.

Petitioner Present: Nancy Kolinski

**MOTION by PENZIEN seconded by THOEL to forward the recommendation to the Township Board of Trustees to approve the Final Preliminary Plat; Rockwood Subdivision No. 2 (6 lots); Permanent Parcel No. 08-28-376-007. This motion is based upon the Planning Consultants recommendations as follows:**

1. **The petitioner submit evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulation.**
  - a. **Macomb County Road Commission**
  - b. **Office of Public Works Commission of Macomb County**
  - c. **Macomb County Health Department**
  - d. **Macomb County Planning Commission**
  - e. **Michigan Department of Environmental Quality**
  - f. **All public utility companies affected.**
  - g. **That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer. Also, that any connecting sidewalk tying the plat to any public street be installed by the petitioner.**

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2. **The Township Engineer approves all engineering plans for the computed plat.**
3. **That the detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.**
4. **Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been incorporated into the Final Preliminary Plat.**
5. **That all lots within the Final Preliminary Plat meet the requirements of the Township Zoning Ordinances.**
6. **Flood Plain Map Amendments and/or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.**
7. **That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.**
8. **That the 'landscape easement'; that area labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping" has been completed in accordance with the approved landscaping plan, inspections completed to the satisfaction of the Township and the bond posted for the development of this easement released. If the bond has not been released the owner of the subdivision is placed on notice that no building permits may be issued until the landscape easement has been developed in accordance with the approved landscaping plan and the bond released by the Township Board. (There is no Landscaping Easement required as part of this plat).**
9. **That the final preliminary approval expires two years from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Application for extension must be received by this office prior to the expiration date.**
10. **All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits 2**

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**copies of the plat to the Supervisors office for addressing. Addresses will be assigned after final preliminary plat approval by the Township Board.**

- 11. That the temporary street name posts be installed upon completion of the paving. The posts as indicated by the Fire Department are to be 4" x 4" black posts with two inch white letters so that the street can be easily identified during the construction of the plat.**
- 12. That the Restrictive Covenants that will be recorded as part of this plat, have been approved by the Township Attorney. The 'Restrictive Covenants' must be approved by the Township Attorney before an application will be received for Final Plat.**
- 13. That the Articles of Incorporation for the Homeowners' Association for the subdivision have been approved by the Township Attorney. The 'Articles of Incorporation' must be approved by the Township Attorney before an application will be received for Final Plat.**

**If a 'phasing plan' has not been submitted it is assumed that this subdivision will be developed in one phase. Please be advised that any revisions to the phasing plan for this plat must be reviewed and approved by the Planning Commission and Township Board and incorporated into the Tentative Preliminary Plat as a Revised Tentative Preliminary Plat.**

**MOTION carried.**

- 6. Tentative Preliminary Plat; Pinnacle Farms Subdivision (66 lots); Located approximately ½ mile south of 23 Mile Road and approximately ¾ mile east of North Avenue; Landtec of Macomb, Petitioner. Permanent Parcel No.08-24-276-003.**

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

Mr. Schmeiser discussed the need for a variance eliminating a stub street.

Public Portion: None.

Petitioner Present: Richard Rizzo of Landtec of Macomb.

**MOTION by KOEHS seconded by THOEL to forward the Planning Consultants recommendation to the Township Board of Trustees to approve the Land Division Variance Section 17-132(d) be granted to eliminate the stub street to the west where the tract abuts vacant land for the Tentative Preliminary Plat; Pinnacle Farms Subdivision (66 lots); Permanent Parcel No. 08-24-276-003.**

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**MOTION carried.**

**MOTION by KOEHS seconded by KRZEMINSKI to forward the recommendation to the Township Board of Trustees to approve the Tentative Preliminary Plat; Pinnacle Farms Subdivision (66 lots); Permanent Parcel No. 08-24-276-003. This motion is based upon the Planning Consultants recommendations as follows:**

- 1. The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations;**
  - a. Macomb County Road Commission**
  - b. Office of Public Works Commission of Macomb County**
  - c. Macomb County Health Department**
  - d. Macomb County Planning Commission**
  - e. Michigan Department of Environmental Quality**
  - f. All public utility companies affected.**
  - g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer.**
- 2. The Township Engineer approves all engineering plans for the computed plat.**
- 3. That the detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.**
- 4. Further, that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval have been met.**
- 5. That all lots within the Tentative Preliminary Plat meet the requirements of the Township Zoning Ordinance.**
- 6. Flood Plain Map Amendments and/or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.**

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7. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.
8. That the "20 ft. common area for landscaping purposes" be developed in accordance with the provisions of the Land Division Ordinance of Macomb Township. A plan for the area must be prepared by a registered landscape architect and include a layout of plants proposed for the area, an irrigation system including sprinklers, mulching materials for planting beds and details for the installation of all features of the plan. Also to be included is a cost estimate for the development of the area. Said cost list to be prepared by the registered landscape architect who prepared the plan.
9. That a bond in an amount determined by the estimates prepared by a registered landscape architect and approved by the Township Consulting Engineer be posted assuring the development of the "landscape easement." The "landscape easement" is that area to be labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping." The bond must be posted with the Macomb Township Treasurer prior to the acceptance of the application for Final Preliminary Plat.
10. That the tentative preliminary approval expires one year from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Any application for extension must be received by this office prior to the expiration date.
11. All street names are cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. That the petitioner submits 2 copies of the plat to the Supervisors office for addressing. Addresses will be assigned after the final preliminary plat approval by the Township Board.
12. That the petitioner submits 2 copies of the restrictive covenants that will be recorded with the plat. The Restrictive Covenants must include an article to provide for the perpetual maintenance of all limited common areas that may include regulated wetlands, landscape areas, and floodplains. The covenants must be submitted with the application for Final Preliminary Plat.

If a 'phasing plan' has not been submitted it is assumed that this subdivision will be developed in one phase. Please be advised that any revisions to the phasing plan for this plat must be reviewed and approved by the Planning Commission and



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**Township Board and incorporated into the Tentative Preliminary Plat as a Revised Tentative Preliminary Plat.**

**MOTION carried.**

7. Site Plan and Entrance Sign; Park Lane Plaza; Located on the north side of 21 Mile Road, approximately 200' east of North Avenue; Nicholas Lubnik, Petitioner. Permanent Parcel No. 08-25-351-011.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the findings and recommendations for approval.

The members of the Board held further discussion concerning the floodplain issues, the wall surrounding the entire site, by-pass acceleration and deceleration lanes, parking areas, lighting plans, hiding visual utility and air condition areas, and issues involved with the sidewalks on the plan.

Public Portion: Several adjacent property owners expressed their concerns with the proposed development.

Petitioner Present: Nicholas Lubnik

**MOTION by AUSILIO seconded by KOEHS to table at the petitioner request the Site Plan and Entrance Sign; Park Lane Plaza; Permanent Parcel No. 08-25-351-011.**

**MOTION carried.**

8. Motion to receive and file all correspondence in connection with this agenda.

**MOTION by KRZEMINSKI seconded by MEERSCHAERT to receive and file all correspondence in connection with the February 17, 2004 agenda.**

**MOTION carried.**

PLANNING CONSULTANTS COMMENTS: None.

BOARD COMMENTS: None.

**ADJOURNMENT:**

**MOTION by AUSILIO seconded by KOEHS to adjourn the meeting at 8:10 p.m.**

**MOTION carried.**

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Respectfully submitted,

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Edward Gallagher, Chairman

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Michael D. Koehs, Secretary

Minutes prepared by: Michael D. Koehs, Township Clerk  
MDK/gmb